



Office for Prekindergarten through Grade 12 Education  
Child Nutrition Program Administration  
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[www.nysed.gov/cn/cnms.htm](http://www.nysed.gov/cn/cnms.htm)

To: Superintendents  
School Business Officials  
Executive Directors  
School Food Service Directors/Managers

From: Paula Tyner-Doyle, Coordinator

Date: May 2014

Subject: Eligibility of Minors Participating in the National School Lunch Program and School Breakfast in Correctional Facilities with Amendment of Correction Law

The New York State Correctional Law §500-b was amended on March 31, 2014 to change the minimum age classification in local correctional facilities in order to make NYS Correction Law consistent with the Prison Rape Elimination Act (PREA). Inmates under the age of eighteen must be separately housed from those inmates eighteen years of age and older.

As a reminder, correctional facilities are eligible to participate in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) in accordance with federal regulation 7 CFR 210.2 and Food and Nutrition Service (FNS) Instruction 776-7 if residing minors are located in a distinct part of the facility such as a separate wing or area. Minors are defined as those under 21 years of age.

While our office welcomes the participation of correctional facilities in the NSLP and SBP, housing minors separately to comply with the amended Correction Law and the Child Nutrition Program regulations may be a hardship for facilities that do not have adequate space. Facilities must comply with federal regulations and only claim reimbursement for breakfasts and lunches served to minors who are housed separately from the adult population which has been a policy since May 1999.

If you have questions regarding this memo, please contact your Child Nutrition Program representative at 518-473-8781.

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